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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,713	10/20/2006	Martin Hausner	BEET-14	9725
26875 7590 12/01/2010 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202				
EXAMINER				
PHAM, THANH V				
ART UNIT		PAPER NUMBER		
2894				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

1. Applicant's arguments filed 1/23/2010 have been fully considered but they are not persuasive.
2. Wienand et al.'s electrical resistor meets the requirement of "a sensor element" in the body of claim 18. No patentable weight is given to the preamble of "a radiation sensor" which is not mentioned in the body of the claim.
3. For its own purposes of "comparatively expensive process" (col. 2, lines 26-27), or "a particularly rapid response time" (col. 3, lines 14-15), the Wienand et al. reference prefers a metal substrate; the Schieferdecker et al. reference in the combination teaches "the support material contains silicon and/or GaAs and/or a semiconductor material".
4. Different shapes and sizes of the cavity are just a matter of optimization as stated in the rejection based on different shapes and sizes disclosed in different references.
5. No patentable weight is given to process steps which do not add structural limitations to the claimed product. Further, other references teach dry etching.
6. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH V. PHAM whose telephone number is (571)272-1866. The examiner can normally be reached on M-T (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly D. Nguyen can be reached on 571-272-2402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THANH V. PHAM/  
Primary Examiner, Art Unit 2894